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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

No. CR S-03-0483 WBS GGH

12 vs.

13 LARRY W. CAMPBELL

14 Defendant.

ORDER

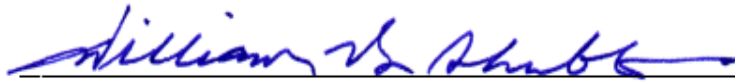
15 _____/
16 Defendant Larry Campbell has filed an “amended motion” to vacate, set aside, or
17 correct his sentence pursuant to 28 U.S.C. § 2255 (docket 190), notwithstanding this court’s
18 previous denial, filed on 9/19/08 (docket # 155), of his requests to amend his petition to add new
19 facts, and the court’s subsequent denial, filed on 10/15/08 (docket # 167), of defendant’s request
20 to file a second § 2255 motion. Under 28 U.S.C. § 2244(b)(3)(A), an applicant must file a
21 motion in the court of appeals before a second or successive § 2255 motion may be filed in this
22 court. Under 28 U.S.C. § 2255(h), defendant must demonstrate to the Court of Appeals that:

23 his motion contains newly discovered evidence tending to show
24 actual innocence or involves a new rule of constitutional law made
25 retroactive to cases on collateral review by the Supreme Court.
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1 U.S. v. Nordick, 2008 WL 4000871 * 1 (E.D. Cal. Aug. 26, 2008). Campbell has not met the
2 requirements of § 2244(b)(3)(A).¹

3 IT IS THEREFORE ORDERED that defendant's successive and otherwise
4 defective § 2255 motion to vacate, filed on 1/13/09 (docket # 190) be, and the same hereby is,
5 DENIED.

6 DATED: April 16, 2009

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8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE
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25 ¹ Campbell's motion is also inapposite in that his appeal of the 9/19/08 (# 155),
26 dismissal of his prior § 2255 motion is currently pending in the Ninth Circuit.